

BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MISSOURI

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|--------------------------------|---|-------------------------------------|
| Gerald and Joanne Reiersen, |) | |
| |) | |
| Complainants, |) | |
| |) | |
| v. |) | <u>Case No. SC-2005-0083</u> |
| |) | |
| Kenneth Jaeger and Blue Lagoon |) | |
| Sewer Corp., |) | |
| |) | |
| Respondents. |) | |

| | | |
|--------------------------------|---|-------------------------------------|
| Robert M. Hellebusch, |) | |
| |) | |
| Complainant, |) | |
| |) | |
| v. |) | <u>Case No. SC-2005-0099</u> |
| |) | |
| Kenneth Jaeger and Blue Lagoon |) | |
| Sewer Corp., |) | |
| |) | |
| Respondents. |) | |

ORDER SETTING PROCEDURAL SCHEDULE

Issue Date: January 29, 2006

Effective Date: January 29, 2006

On January 4, 2007, the Commission ordered its Staff to file a proposed procedural schedule no later than January 19. The Commission allowed the other parties until January 26 to respond; no parties did so.

The Commission has reviewed the proposed procedural schedule. The Commission will deviate slightly from Staff's proposed schedule but, because no parties objected, the Commission will otherwise adopt Staff's proposal. The Commission orders the following schedule and finds that the following conditions should be applied to the schedule:

(A) The Commission will require the prefiling of testimony as defined in 4 CSR 240-2.130. All parties shall comply with this rule, including the requirement that testimony be filed on line-numbered pages. The practice of prefiling testimony is designed to give parties notice of the claims, contentions and evidence in issue and to avoid unnecessary objections and delays caused by allegations of unfair surprise at the hearing.

(B) The parties shall agree on and file a list of issues to be determined herein by the Commission. Staff shall be responsible for actually drafting and filing the list of issues and the other parties shall cooperate with Staff in the development thereof. Any issue not included in the issues list will be presumed to not require determination by the Commission.

(C) Each party shall file a list of the witnesses to appear on each day of the hearing and the order in which they shall be called. The parties shall propose the order of cross-examination and file a joint pleading indicating the same.

(D) The Commission's general policy provides for the filing of the transcript within two weeks after the hearing. If any party seeks to expedite the filing of the transcript, such request shall be tendered in writing to the Presiding Judge at least five days prior to the date of the hearing.

(E) All pleadings, briefs and amendments shall be filed in accordance with 4 CSR 240-2.080. The briefs to be submitted by the parties shall follow the same list of issues as filed in the case. The briefs must set forth and cite the proper portions of the record concerning the remaining unresolved issues that are to be decided by the Commission.

(F) All parties are required to bring an adequate number of copies of exhibits that they intend to offer into evidence at the hearing. If an exhibit has been prefiled, only

one copy of the exhibit is necessary for the court reporter. If an exhibit has not been prefiled, the party offering it should bring, in addition to a copy for the court reporter, copies for the five Commissioners, the Presiding Judge, and all counsel.

(G) All parties will provide copies of testimony, exhibits and pleadings to other counsel by electronic means and in electronic form essentially concurrently with the filing of such testimony, exhibits or pleadings.

(H) All parties shall strive to not include in data request questions either highly confidential or proprietary information. If either highly confidential or proprietary information must be included in data request questions, the highly confidential or proprietary information should be appropriately designated as such pursuant to the Protective Order in this case.

(I) No continuance for negotiation will be granted without the submission of a Stipulation and Agreement covering those matters on which testimony was scheduled for the period of the requested continuance. No motions for continuance will be granted without a hearing unless the parties submit a unanimous Stipulation and Agreement.

IT IS ORDERED THAT:

1. The parties are directed to comply with the conditions set out in this order.
2. The following procedural schedule is adopted:

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| Prehearing conference | February 14, 2007 10:00 a.m. |
| Direct Testimony, Complainants and Staff | March 9, 2007 |
| Rebuttal Testimony, Respondents | March 29, 2007 |
| Settlement conference | April 5, 2007 |

Surrebuttal and Cross-Surrebuttal
Testimony - All parties

April 12, 2007

List of Issues, Order of Witnesses,
Order of Cross-Examination

April 17, 2007

Evidentiary Hearing

April 26, 2007
8:30 a.m.

The hearing and prehearing conference will be held at the Commission's offices in the Governor Office Building, 200 Madison Street, Jefferson City, Missouri, a facility that meets the accessibility standards of the Americans with Disabilities Act (ADA). If any person needs additional accommodations to participate in these proceedings, please call the Public Service Commission's Hotline at 1-800-392-4211 (voice) or Relay Missouri at 711 prior to the hearing or prehearing conference.

3. This order shall become effective on January 29, 2007.

BY THE COMMISSION



Colleen M. Dale
Secretary

(S E A L)

Ronald D. Pridgin, Senior Regulatory
Law Judge, by delegation of authority
pursuant to Section 386.240, RSMo 2000.

Dated at Jefferson City, Missouri,
on this 29th day of January, 2007.